681 master. Such verdicts were still carried out during the reign of Emperor Menelik II who died in 1913, though he tried to reduce the literal enforcement of the more draconic parts of the Code.

It is noteworthy that the application of the "Fetha Nägäst" was supposed to be based on the biblical principle of Luke, that punishment should be applied according to the knowledge of the offender, not according to the seriousness of the offense. This was reaffirmed in the Penal Code of 1930 (though in effect this new code abrogated much else of the Fetha Nägäst), as follows:

672 692 The following are degrees of relative culpability, in accordance with which degrees of punishment are to be determined on a declining scale:

The man who knows the law
the forgetful person (unstable personality)
the "balagär" (rustic peasant)
the (otherworldly) monk
the poor and ignorant person (illiterates)
the stranger
the ignorant woman
the imbecile or invalid
the Ethiopian from a non-Amharic-speaking province
the child below age 12.

The judge was also permitted and encouraged to take the emotional personality of the offender into consideration(without indicated scale) , such as:

The oppressive person
the lawless
the proud
the envious
the treacherous
the revengeful
the intemperate
the quarrelsome
the careless
the bullying

695 The traditional oath, "May the ruler die" (If I lie), is still in full use. This oath is called "semanya". As mentioned above, perjury was once a very serious offense, even a capital one, later was penalized by substitution of "blood money", i.e. 80 Thalers fine. Until recently, provincial farmers still invoked the name of the head of their old provincial dynasty in this oath, the "ras", or the name of the long-dead Menelik II. Since 1941, however, the name of the present emperor is [643] universally used, "Haile Selassie yemut". It is in a very real sense a form of acknowledgement of the supreme power of the ruler, whose supreme power over and above the feudal system is regarded, traditionally, as a protection from chaos, lawlessness and uprisings that destroy and cause suffering. The proverb says:

[539] "When the emperor dies,
with whom will there be judging?".

The oath "Haile Selassie yemut" is used also to arrest lawbreakers, much as English police might arrest "in the name of the king".

672 Another old legal tradition still in full force is that of the "wäs", the personal guarantor. To obtain a loan or a job, the applicant must always present at least one reputable guarantor, who is then personally responsible for making up any default or damage or misbehavior, and who can even be jailed in case the culprit escapes. He acts as personal bondsman for a defendant, to avoid his being held for trial in jail. This "wäs"

672 agreement must be before witnesses, again with use of the oath "Haile Selassie yemut" (May the emperor die, if I break my word). Often a judge will not release the loser of either a criminal or civil case unless he can produce a personal guarantor who will guarantee that the damages or fine will be paid.

562 672 Women, under the traditional laws, were considered legal persons but to a lesser degree than men. They could act as witnesses only of what they had actually seen or heard, and were warned not to "interpret" their testimony. Sometimes there were threatened with jail if their testimony seemed contradictory and not entirely useful. On a lower level were slaves, who were not legal persons, but whose testimony on what they had directly witnessed could be heard in court, subject to evaluation by the judge.

567 672

C. Judicial Personnel

693 694 (1) The Curbstone Judge. He is sometimes referred to as "yägälatē danya" (lit. delegate judge). Two persons having a quarrel may stop a respected passerby whom they consider a peer, often a bearded "shemagalye" (elder), to arbitrate their quarrel. They stop him in his tracks by calling out "Haile Selassie yemut", or if they or he are very old fashioned and dignified, in the Geez version of the oath "Be-Hayle Selassie Amlak" ("in the name of the God of Haile Selassie").

694 672 (b) Collective arrest, "afärsata" was officially discontinued only furing the past decade, and may well be re-established in any local emergency. It is usually applied only in cases of murder. The district administrator or governor could order the judges to arrest an area, then fence in all the men, and decree that "not a cow be milked nor a baby suckled", in the traditional phrase, until the investigation is completed. Every person was interrogated individually, and made to swear, before priests brought from the Coptic church, the oath of excommunication, "aggäzazät": "May He (i.e. God), perforate me as the Cross" ("endä mäsqälu yebäsasañ"), if thefull truth be withheld.

When the culprit finally confessed, due to the tremendous social pressure on him, he was chained and sometimes thrown into a dungeon until trial. The cheqa shum was made responsible for guarding him, and could be assessed heavy damages, even full blood-money, if the murderer escaped. If the murderer was not found, the entire hamlet or territory under collective arrest could be sentenced to pay the "blood-money", unless they could prove that the murderer must have been a "passing bandit". Even then the cheqa shum might be fined for not having been watchful enough. At present he is somewhat relieved from this duty by the local officer, a semi-feudal "fara-sanna", whose only job is to look out for bandits and prevent anyone from shooting off his rifle, lest a bloody feud break out and everyone become trigger-happy. This 625 is in rural areas. In towns, the police, uniformed in